

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**BRENDAN BERGER,**

**Plaintiff,**

**v.**

**NATIONAL BOARD OF MEDICAL  
EXAMINERS,**

**Defendant.**

**Case No. 1:19-cv-00099**

**DECLARATION OF RACHAEL GILLESPIE**

1. My name is Rachael Gillespie. I am over eighteen (18) years of age and, unless indicated otherwise, I have personal knowledge of the facts stated below.

2. I am employed by the National Board of Medical Examiners ("NBME") as Manager, Registration.

3. To apply for one of the Step examinations on the United States Medical Licensing Examination ("USMLE"), an examinee must submit an application through the appropriate registration entity. For the Step 2 Clinical Knowledge exam ("Step 2 CK") students and graduates of medical schools located outside the United States and Canada apply through the Educational Commission for Foreign Medical Graduates ("ECFMG").

4. When applying for Step 2 CK, examinees must select a three-month eligibility period during which they wish to test (e.g., January–March). Once registration is complete, a scheduling permit with the selected eligibility period will be issued. Examinees may then

schedule their test at an available test center operated by NBME's testing vendor, Prometric, for a date within their eligibility period.

5. As of August 28, 2019, Mr. Berger did not have an open Step 2 CK registration.

6. On September 20, 2019, he submitted an application and selected an eligibility period of October 1, 2019 through December 31, 2019 during which to test. On or around September 20, 2019, Mr. Berger's Step 2 CK registration was completed.

7. On September 24, 2019, a scheduling permit was issued to Mr. Berger. After receiving his permit, Mr. Berger contacted Prometric on October 2, 2019 and scheduled his Step 2 CK exam for November 18 and 19, 2019.

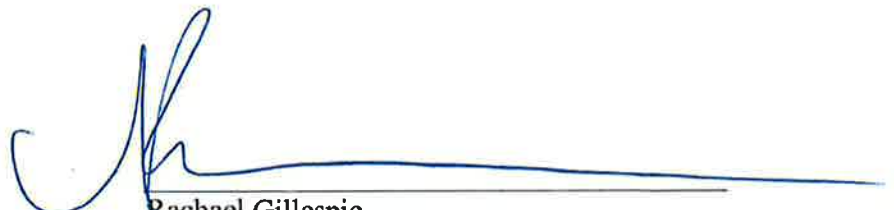
8. On November 12, 2019, Mr. Berger contacted Prometric and postponed and rescheduled his Step 2 CK exam to December 27 and 28, 2019.

9. At some point, Mr. Berger extended his eligibility period through March 31, 2020, and on December 20, 2019, Mr. Berger contacted Prometric and postponed and rescheduled his exam again, to January 27 and 29, 2020.

10. On January 23, 2020, Mr. Berger contacted Prometric and postponed and rescheduled his exam again, to March 21 and 23, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2020



Rachael Gillespie